construed with care. See *Moffatt* v. *Cauldwell*, 3 Hun 26; *Ball* v. *The Tribune Co.*, 123 Ill. App. 235. The principal case also denies the existence of a right of privacy. "not so much because a primary right may not exist, but because, in the absence of statute, no fixed line between public and private character can be drawn." This decision evenly divides the courts that have considered this principle of an "inviolate personality." *Roberson* v. *Rochester Folding Box Co.*, 171 N. Y. 538, 64 N. E. 442, 59 L. R. A. 478, 89 Am. St. Rep. 828; *Henry* v. *Cherry*, 30 R. I. 13, 73 Atl. 97, 24 L. R. A. (N. S.) 991; *Atkinson* v. *Doherty*, 121 Mich. 372, 80 N. W. 285, 46 L. R. A. 219, 80 Am. St. Rep. 507, and the principal case deny such a right; *Contra*: *Pavesich* v. *New Eng. Life Ins. Co.*, 122 Ga. 190, 50 S. E. 68, 69 L. R. A. 101, 106 Am. St. Rep. 104; *Edison* v *Edison Mfg. Co.*, 73 N. J. Eq. 136, 67 Atl. 392; *Foster-Milburn Co.* v. *Chinn*, 134 Ky. 424, 120 S. W. 364; *Munden* v. *Harris*, (Mo. App.) 134 S. W. 1076; see 9 MICH. LAW REV. 627. The subject is modern, see 4 HARV. L. REV. 205; and still in the process of formative growth. See 3 MICH. L. REV. 559, 8 MICH. L. REV. 221. Most of the cases involve the use of an individual's picture for purposes of commercial advertisement, and the few statutes passed have been so restricted. See Note 24 L. R. A (N. S.) 991. The facts of the principal case broaden the scope of the question. In an age of sensational journalism, many cases not concerned with advertising are sure to arise. The issue is particularly fine when the publication borders on the libellous. *Morrison* v. *Smith*, 177 N. Y. 366, 69 N. E. 725. But the basis of the decision of the Washington court seems unsound. Naturally, there is no violation of personal privacy when the individual is a public character. *Corliss* v. *Walker*, 64 Fed. 280, 31 L. R. A. 283. But though the line between a public and a private character is not a fixed and absolute one, its determination in the case before the court presents itself as a proper subject for judicial decision. It would seem that in the principal case the distinction would not have been difficult to make. The demands of yellow journalism hardly should be the final test of legitimate legal publicity.

LIBEL AND SLANDER—WORDS ACTIONABLE PER SE—SPECIAL DAMAGES.—Defendant said of plaintiff, a white man, "W is a damn negro and his mother was a mulatto." Plaintiff claimed the words were actionable *per se*, but alleged as special damages the loss of the company of a young lady with whom he had been going, and of association with the best people of the neighborhood. *Held*, the charge was not actionable *per se*, and as the special damages alleged showed no pecuniary loss or loss of marriage, plaintiff cannot recover. *Williams* v. *Riddle* (Ky., 1911), 140 S. W. 661.

Unless words of oral defamation fall under the artificial and rigid classification generally accepted, see *Pollard* v. *Lyon*, 91 U. S. 225, 23 L. Ed. 308, they are not actionable *per se*, although vituperative and insulting,—cases cited in ADDISON, TORTS, Ed. 7, p. 38. To publish that a white man is a negro has been held libel *per se* in recent cases. *Upton* v. *Times-Democrat Pub. Co.*, 104 La. 141, 28 South. 970; *Flood* v. *News & Courier Co.*, 71 S. C. 112, 50 S. E. 637; 4 AM. & ENG. ANN. CAS., 685 (1905), but the charge orally made is not so construed. *Johnston* v. *Brown*, 4 Cranch, C. C. 235, Fed Cas.

No. 7,375 (1832), *McDowell* v. *Bowles,* 8 Jones (N. C.) Law 184 (1860). South Carolina before the Civil War held otherwise, because there the negro lacked all civil rights. *Atkinson* v. *Hartley* (1821), 1 McCord 203. The law is strict, and often harsh, in dealing with special damages caused by defamatory words and in themselves actionable. Such damages must be explicitly claimed in the pleadings and strictly proved at the trial. NEWELL, SLANDER & LIBEL, Ed. 2, p. 866. The rule generally stated, but not always followed, is that the plaintiff must have been deprived of some material temporal advantage. NEWELL (*supra*), p. 856. *Bassil* v. *Elmore,* 65 Barb. 627, 48 N. Y. 561. Some cases of such deprivation have been considered to be,—the loss of marriage by women, *Hardin* v. *Harshfield,* 11 Ky. Law Rep. 638, 12 S. W. 779; *Sheperd* v. *Wakeman,* Sid. 79; and by men, *Matthew* v. *Crass,* Cro. Jac. 323; the refusal of civil entertainment at a public house, *Olmsted* v. *Miller,* 1 *Wend.* 506; the loss of hospitality from relatives, *Williams* v. *Hill,* 19 Wend. 305; or from friends, *Davies* v. *Solomon,* L. R. 7 Q. B. 112, 41 L. J. Q. B. 10, 20 W. R. 167; but ill health, *Terwilliger* v. *Wands,* 17 N. Y. 54; exclusion from a private religious society, *Roberts* v. *Roberts,* 33 L. J. Q. B. 249, 12 W. R. 909; social ostracism and the loss of association with good friends, are not deemed sufficient special damage, *Allsop* v. *Allsop,* 5 H. & N. 539, 8 W. R. 449; *Beach* v. *Ranney,* 2 Hill 309. The distinction drawn between the loss of the "hospitality" and the "society" of friends, though perhaps logical, is hardly reasonable. Most civilized men would rather suffer the loss of a meal than be shunned and ignored. Many of the decisions seem arbitrary and hard. A liberal view was expressed in *Mudd* v. *Rogers,* 102 Ky. 280, 43 S. W. 255 (1897), which the same court, in the principal case, failed to comment upon. The court in that case, after holding certain slanderous words not actionable *per se,* concludes: "The special damages resulting to the plaintiff from the publication of the slander can scarcely be computed in dollars and cents. The treatment that he received from his heretofore friends and associates, and especially the ladies, to a sensitive, high-toned gentleman, would be immeasurable; and if the charges were false, and their utterance and publication brought upon the appellant the disgrace and ostracism which he alleges, he is certainly entitled to maintain this action, and to recover damages to some extent commensurate with the injuries inflicted."

MUNICIPAL CORPORATIONS—ASSESSMENT BEYOND CORPORATE BOUNDARIES—SIGNER OF PETITION NOT ESTOPPED TO DENY JURISDICTION TO ASSESS FOR SAME—Appellant company, defendant below, owned a tract of land outside the corporate limits of the city of Edmonds, and joined in signing a petition to said city for the construction of a sea gate as a municipal improvement. This improvement was made and the cost assessed against the property owners benefited, including defendants. This assessment was resisted on the ground that the municipality had no jurisdiction to make assessments against property outside its corporate boundaries. *Held,* the city had no jurisdiction and could exercise no municipal powers beyond its corporate boundaries, and defendant company was not estopped to deny this jurisdiction on the ground that it